IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 21ST NOVEMBER 2006 / 30TH KARTHIKA 1928

WP(C).No. 30441 of 2006(Y)

AGAINST THE ORDER IN EP 120/2006 IN
OS.119/2002 of PRL.M.C., KOLLAM

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PETITIONER:

IQBAL, AGED 36 YEARS,
VILAPURATHUVEETTIL, KUNDARA P.O.,
NEAR KUNDARA POST OFFICE, ELAMPALLORE VILLAGE,
KOLLAM TALUK, KOLLAM DISTRICT.

BY ADV. SRI.K. ABDUL JAWAD

RESPONDENT:

K.KABEER, 42 YEARS,
CHINJU MANZIL, PERUMPUZHA P.O.,
ELAMPALLORE VILLAGE, KOLLAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.Sasidharan Nambiar, J.

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W.P.(C)No.30441 of 2006

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Dated this the 21st day of November, 2006.

JUDGMENT

This petition is filed under Articles 226 and 227 of the Constitution of India contending that Executing Court did not consider the application to set aside the exparte order and is executing that decree by arrest. It is informed by the Executing Court that evidence of PW1 and DW1 were already recorded and the case is posted for further evidence on 22.11.2006. In such circumstances, this revision is dismissed. Petitioner is entitled to contend before the court below, that he is a man of no means and sufficiency of the means has to be decided by the executing Court.

M.Sasidharan Nambiar,
Judge.

ess 23/11

M.Sasidharan Nambiar, J.

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W.P.(C)No.30441 of 2006

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ORDER

21st November, 2006.